

REMARKS

Claims 1-8 are pending in the present application and are rejected. Claims 1-6 are herein amended.

Amendment to the Title

Applicants request that the title of the invention be changed as noted on page 2 of this paper. This amendment to the title eliminates reference to subject matter cancelled due to the election of claims 1-8 in response to a restriction requirement.

Applicant's Response to Claim Objection

The Office Action objects to claims 1-6 because these claims are method claims which also recite a "system." In order to overcome this objection, Applicants have amended claims 1-6 to remove the word "system."

Applicants' Response to Claim Rejections under 35 U.S.C. § 112

Claims 2-5 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Office Action states that "utilization efficiencies of resources knocked down in past" and "resource occupation rate" are not terms understood by one having ordinary skill in the art.

Regarding the first expression, Applicants have amended claims 2 and 4 by replacing "knocked down" with "won." In addition to this modification, the phrasing of claims 2 and 4 has been modified for greater clarity.

As to the term "resource occupation rate," Applicants respectfully traverse the rejection of claims 3 and 5. The resource occupation rate is a mathematical representation of the

divisibility of the subject of buying and selling. On page 13 of the specification, it is disclosed that if the bidding subject is indivisible then the resource occupation rate is 1.0. If the bidding subject is divisible in two, then the resource occupation rate is 0.5, and so on. Thus, the specification does provide a definition of the term “resource occupation rate,” and one having ordinary skill in the art would be reasonably apprised of the scope of the invention. Favorable reconsideration is respectfully requested.

Applicants’ Response to Claim Rejections under 35 U.S.C. § 102

Claims 1 and 6-8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by **Fisher (U.S. Patent 5,835,896)**. Claims 1 and 6-8 of the present invention include a bid evaluation function, which is not disclosed in **Fisher**. Applicants respectfully submit that the Office Action mischaracterizes the bid validator of **Fisher** as a bid evaluation function. The bid validator of **Fisher** functions to check for the presence of valid data such as credit card information and address before accepting or rejecting the bid (see col. 7, lines 54-63). The bid validator of **Fisher** does not disclose or suggest a mathematical evaluation of the bid amount in any way.

However, the bid evaluator of the claimed invention instead evaluates the bid amount mathematically based on several factors, and accepts or rejects the bid accordingly. This is described in detail in the specification at page 12, line 8 to page 14, line 19. Furthermore, the bid evaluator of the claimed invention does not check for the presence of data such as credit card information and address. Applicants therefore respectfully argue that all of the claims are patentable, and traverse the Examiner’s rejection. Favorable reconsideration is respectfully requested.

Response under 37 C.F.R. §1.111

Attorney Docket No. 010430

Serial No. 09/817,033

For at least the foregoing reasons, the claimed invention distinguishes over the cited art.

Favorable reconsideration is earnestly solicited.

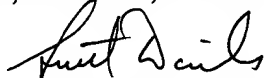
Should the Examiner deem that any further action would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone Applicants' undersigned attorney.

Response under 37 C.F.R. §1.111
Attorney Docket No. 010430
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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Scott M. Daniels
Attorney for Applicants
Registration No. 32,562

Atty. Docket No.: 010430
1250 Connecticut Avenue NW Suite 700
Washington, D.C. 20036
Tel: (202) 822-1100
Fax: (202) 822-1111
Customer No.: 38834
SMD/RBC/ya